

UNITED STATES BANKRUPTCY COURT

Middle District of North Carolina

101 S. Edgeworth Street

Greensboro, NC 27401

Bankruptcy Case No.: 21-80202

IN THE MATTER OF:
Mitchell Brian Fortner xxx-xx-7525
4202 Caroline Ct
Greensboro, NC 27407

Debtor(s)

TO THE DEBTOR AND ALL OTHER PARTIES IN INTEREST:

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

TAKE NOTICE THAT the following request has been made with the Court:

AMENDED NOTICE TO CORRECT TENTATIVE HEARING TIME

Docket Event #13 Motion to Approve Settlement with Debtor filed by Trustee John Paul H. Cournoyer. Terms of Settlement are as follows:

1. The Debtor shall turnover the Kobe Bryant rookie card, and the autographed rookie card of Vladimir Guerrero Jr. to the Trustee, and these cards (and all sale proceeds derived therefrom) shall be deemed nonexempt.
2. The remaining cards, which consist of minor league baseball players, shall be deemed as exempt assets and shall not be administered.

Docket Event #14 Motion to Approve Settlement with Samantha Fortner filed by Trustee John Paul H. Cournoyer. Terms of Settlement are as follows:

1. Within 5 business days of the execution of this agreement, Samantha shall pay \$5,000 to the Trustee, via check payable to JP Cournoyer, Trustee and delivered to 1414 Raleigh Road, Suite 435, Chapel Hill, NC 27517. Samantha shall pay an additional \$5,000 on or before October 1, 2021, an additional \$5,000 on or before November 1, 2021, and a final payment of \$5,216.85 on or before December 1, 2021. These payments, totaling \$20,216.85 are collectively referred to herein as the Settlement Payments. In the unanticipated event that this Agreement is not approved by the Bankruptcy Court, the entirety of any amount(s) paid prior to the entry of an order approving this settlement would be refunded to Samantha Fortner.
2. Upon receipt of the Settlement Payments and Bankruptcy Court approval of this Agreement, the Trustee, on behalf of the Debtors bankruptcy estate, releases Samantha from any claim or cause of action related to the \$40,433.70 refund paid by the Builder.
3. The Trustee, with the cooperation of Samantha, will use his best efforts to seek a further recovery from the Builder related to the \$30,000 portion of the deposit that was not refunded. The parties agree that they will work cooperatively in good faith to pursue any such claim(s) against the Builder. The parties agree that 50% of any recovery from the Builder would be property of the Debtors bankruptcy estate, and 50% be Samantha's property. Provided however, Samantha's 50% interest in such recovery would be applied first to satisfy the outstanding balance of the Settlement Payments owed under this Agreement, and any excess amount would be paid to Samantha.

TAKE FURTHER NOTICE THAT any interested party who has objections to the request **MUST FILE A WRITTEN OBJECTION** on or before 9/12/21 with the movant and with the U.S. Bankruptcy Court at the following address:

*P.O. Box 26100
Greensboro, NC 27420-6100*

If no objections are filed within said time period, the Court will consider this motion without a hearing. If objections are timely filed, **a hearing** on the motion will be held on 9/23/21 at 02:00 PM

**In the event a hearing is to be held, to participate in the hearing, parties are instructed to:
Appear for court in Courtroom 3, Second Floor, 101 S. Edgeworth Street, Greensboro, NC.**

Before the hearing, check the Courts website www.ncmb.uscourts.gov for important COVID19 information.

Dated: 8/27/21

OFFICE OF THE CLERK/htn